

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3875 of 2007()

CRIME NO.52/07 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM.

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PETITIONER/ACCUSED NO.2

GEORGEKUTTY, S/O.THOMAS, AGED 29 YEARS,
THADIKKARAN HOUSE, PUTHENVELIKKARA, ERNAKULAM
DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, PUTHENVELIKKARA
POLICE STATION, ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.NO. 3875 OF 2007

Dated this the 27th day of June, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether, there are three accused persons. They face allegations under Secs.307 and 326 of the IPC. The alleged incident took place on 26/3/07. The petitioner was arrested on 4/6/07. The co-accused are absconding and have not surrendered before the learned Magistrate. The crux of the allegations against the accused persons is that they, in furtherance of their common intention, attacked the victim with dangerous weapons. Their intention was to cause the death of the victim. He had suffered multiple injuries including fracture. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He was not the aggressor;

but only the victim of aggression, though he providentially escaped without suffering any injuries. In these circumstances, the petitioner may be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. Investigation is not complete. It is a case of group rivalry between two groups of goondas in the locality. It was a pre-planned and schemed attack. Dangerous weapons were used. Serious injuries have been suffered. In these circumstances, it is too early to consider the prayer for release of the petitioner on bail, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor. In a case like the instant one, police is normally entitled to more time to complete the investigation before the question of release of the petitioner on bail is considered.

5. In the result, this Bail Application is dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of investigation –

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not, at any rate, prior to 11/7/07. The police shall, in the
meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge